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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,653	10/18/2001	David K. Howington	MIS-P-104	7566
32566 7590 10/01/2009 PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
10/01/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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09981653	10/18/2001	HOWINGTON, DAVID K.	MIS-P-104

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2635 NORTH FIRST STREET  
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EXAMINER

DANIEL LASTRA

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## Commissioner for Patents

This letter is in response to Order Returning Undocketed Appeal to the examiner from BPAI filed 06/30/2009, where it mentions that "the Examiner's Answer filed 07/25/2008 fails to include under the heading "Grounds of rejection" the rejection of claim 7 under 35 U.S.C. § 112 second paragraph, as provided in the Final Rejection dated 12/01/2006". The Examiner answers that said rejection was not included in said Examiner's Answer filed 07/25/2008 because said 112 rejection of claim 7 was canceled when the Appellant filed an amendment on 03/06/2008, where said amendment was entered on an Advisory Action filed 04/03/2008 and where said amendment overcame the claim 7 rejection under Section 112 rejection.

/DANIEL LASTRA/  
Primary Examiner, Art Unit 3688